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December 28, 1998

Arizona Corporation Commission
Docket Control
1200 West Washington
Phoenix, AZ 85007

Subject: RE-00000C-94-0165

Arizona Corporation Commission
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To Whom It May Concern:

Please consider this as a notice to all parties involved in the electric restructuring process. My clear intention is to reconsider on January 5th, the reconsideration action that will be taken at 5:30 p.m. on Thursday, December 31st.

I find it outrageous that this Commission would schedule such an action on New Years Eve. Further, it is my belief that this Commission has twenty days from the time motions for reconsideration are filed to take up such action. Thus, the next Commission will have several days in which to reconsider any actions taken by the Commission before December 31st. Even more egregious is the fact that this Commission intends to take up matters that may not be filed until December 31st. In some cases this may provide the public and parties all of 30 minutes to review the respective party filings. This is most certainly **NOT** open government.

Any party relying on rules as currently constituted do so at their own peril.

Sincerely,

Carl Kunasek
Carl Kunasek
Commissioner